

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

FARNAZ JAVIDANRAD, SP 2014-HM-103 Appl. under Sect(s). 8-305 of the Zoning Ordinance to permit a home child care facility. Located at 2606 A Seskey Glen Ct., Herndon, 20171, on approx. 20,000 sq. ft. of land zoned R-1. Hunter Mill District. Tax Map 26-3 ((14)) 4. (Decision deferred from 12/10/14.) (Admin. moved from 1/14/15.) Ms. Theodore moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on February 11, 2015; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the land, along with Hossein Garoossi.
2. The present zoning is R-1.
3. The area of the lot is 20,000 square feet.
4. Staff is recommending approval of the proposal, and the Board adopts their findings.
5. Staff has provided the Board with a copy of a letter from the adjacent homeowner that indicates agreement with respect to location of a fence and playground that currently straddles the property line of the adjacent neighbor.
6. There is a condition in the proposed development conditions that addresses the accessory storage structure, which was the other issue that the Board had questions about in terms of whether there was a need for relocation.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

1. This approval is granted to the applicant, Farnaz Javidanrad only, and is not transferable without further action of the board, and is for the location indicated on the application, 2606 A Seskey Glen Court, and is not transferable to other land.
2. This special permit is granted only for the home child care use indicated on the plat entitled, Plat, House Location, Lot 4, Section 4, Moneys Corner," as revised b the applicant's husband, Hossein Garoossi, on June 20, 2014 and approved with this application, as qualified b these development conditions.

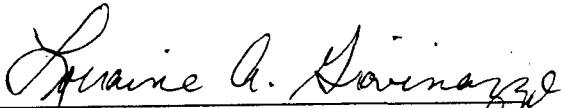
3. A copy of this special permit shall be posted in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. The hours of operation of the home child care facility shall be limited to 7:00 a.m. to 5:30 p.m., Monday through Friday.
5. The dwelling that contains the child care facility shall be the primary residence of the applicant.
6. The maximum number of children on site at any one time shall be twelve, excluding the applicant's own children.
7. The maximum number of assistants for the home child care shall be two.
8. The driveway shall be made available for the pick-up and drop-off of the children during the hours of operation.
9. The existing two-car garage shall not be converted to any use that would preclude the parking of vehicles and shall accommodate parking for the dwelling and the home child care facility.
10. There shall be no signage associated with the home child care facility.
11. Prior to the establishment of the home child care use, the accessory storage structure will be relocated or demolished within six months of the decision of this application. The applicant shall meet all the setback and location requirements of the Zoning Ordinance in determining the placement of these items.
12. The deck and stairs shall not be used in any way for the home child care, including but not limited to be used as a play area or as access to the rear yard until approval of a final inspection.
13. The applicant shall obtain all necessary permits and approvals for permits related to the installation of the kitchenette.
14. Approval of this use is contingent upon maintenance of a state license for the home child care.
15. The accessory storage structure (shed) shall remain locked during the hours of operation for the home child care.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, six months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Mr. Byers seconded the motion, which carried by a vote of 5-1. Mr. Hammack voted against the motion. Mr. Smith was absent from the meeting.

A Copy Teste:

A handwritten signature in cursive script, reading "Lorraine A. Giovinazzo".

Lorraine A. Giovinazzo, Deputy Clerk
Board of Zoning Appeals